

Supervisor Kaiman offered the following resolution and moved for its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 467 - 2008

**A RESOLUTION ADOPTING LOCAL LAW NO. 7 OF 2008
AMENDING CHAPTER 70-231 OF THE TOWN CODE
ENTITLED "ZONING".**

WHEREAS, the Town Board, as the legislative body of the Town of North Hempstead, is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

WHEREAS, a proposed Local Law has been prepared pursuant to enabling legislation to amend the Town Code by the adoption of a Local Law amending Chapter 70-231 of the Town Code entitled "Zoning" in order to establish regulations for "Accessory Apartment," as defined in Section 70-231 of the Town Code, as a Conditional Use in certain residence zones, and would modify the present regulations for "Mother-Daughter Residence"; and

WHEREAS, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Town Board for seven calendar days, exclusive of Sunday; and

WHEREAS, due notice has been heretofore given of a public hearing to be held on the 29th day of July 2008, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public during regular business hours in the Office of the Town Clerk; and

WHEREAS, the Nassau County Planning Commission (the "Commission"), following a review of the Application pursuant to General Municipal Law 239-m, determined that the Application was a matter for local determination at their meeting duly held on June 29,

2008; and

WHEREAS, the Town Board carefully considered the proposed Local Law during the aforesaid seven-day period, conducted said hearing on July 29, 2008, with respect to said Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, this Board deems it in the public interest to adopt said proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the “Secretary of State”).

NOW, THEREFORE, BE IT

RESOLVED that Local Law No. 7 of 2008 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 7 OF 2008**

**A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE, ENTITLED
“ZONING”**

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Town of North Hempstead to make amendments to Chapter 70 entitled “Zoning”, in order to establish regulations for “Accessory Apartment,” as defined in Section 70-231 of the Town Code, as a Conditional Use in certain residence zones, and would modify the present regulations for “Mother-Daughter Residence.”

Section 2.

Chapter 70 of the Town Code is hereby amended as follows:

ARTICLE IA, Residential Open Space (R-O-S)

§ 70-3.3. Conditional uses.

A building may be erected, altered or used and a lot or premises may be used for any of the purposes set forth in this article authorized by the Board of Zoning and Appeals, pursuant to the provisions of Article XXIV, and for no other:

- A. ~~Mother-daughter residence~~ **Accessory apartment**, as defined in § 70-231.
- B. Tennis courts.
- C. Accessory structures or buildings.

Section 3.

Chapter 70 of the Town Code is hereby amended as follows:

ARTICLE II, Residence AAA District (R-AAA)

§ 70-5.1. Conditional uses. [Added 8-12-1980 by L.L. No. 10-1980]

A building may be erected, altered or used and a lot or premises may be used for any of the purposes set forth in this article when authorized by the Board of Zoning and Appeals, pursuant to the provisions of Article XXIV and for no other.

- A. ~~Mother-daughter residence~~ **Accessory apartment**, as defined in § 70-231. [Amended 4-28-1987 by L.L. No. 10-1987]

Section 4.

Chapter 70 of the Town Code is hereby amended as follows:

ARTICLE III, Residence AA District (R-AA)

§ 70-15. Conditional uses. [Amended 8-12-1980 by L.L. No. 10-1980]

A building may be erected, altered or used and a lot or premises may be used for any of the purposes set forth in this article when authorized by the Board of Zoning and Appeals pursuant to the provisions of Article XXIV and for no other.

- A. Hospital or sanatorium, except those prohibited under § 70-207.
- B. Golf course, yacht club or other recreational area, provided that same is operated by an association or membership corporation and not as a gainful business.
- C. Public utility.
- D. Licensed day school or day camp for children of school and preschool ages on a plot of not less than four acres.
- E. ~~Mother-daughter residence~~ **Accessory apartment**, as defined in § 70-231. [Amended 4-28-1987 by L.L. No. 10-1987]

Section 5.

Chapter 70 of the Town Code is hereby amended as follows:

ARTICLE XII, Parking Requirements and Standards

§ 70-103. Off-street parking requirements.

A. Parking requirements.

(1) All districts. The following off-street parking requirements shall apply in all districts in which the enumerated uses are authorized, except where otherwise provided in the article regulating such districts. All references to parking space contained in this section shall be interpreted in conformity with the definition of "parking space" contained in §70-231 of this local law.

Use	One Parking Space for Each
Dwelling	1/2 dwelling unit
<u>Accessory Apartment</u>	<u>1/2 dwelling unit</u>
Public housing	Dwelling unit
Dwelling unit in mixed-use building	Dwelling unit
Senior independent-living facility	.67 dwelling unit
Senior congregate-living facility	.67 dwelling unit
Senior assisted-living facility	Dwelling unit
Senior day care	500 s.f. of G.F.A.
Nursing home	2 beds

(2) Multiple Residence District. Within a Multiple Residence District, there shall be provided on the premises parking or garage facilities at the rate of 2 1/4 spaces for each apartment other than one basement apartment. Such garage facilities shall not include space for more than six cars in one accessory building, which shall conform architecturally to the main building. Parking for senior citizen facilities within a Multiple Residence District shall be provided at the rates indicated in § 70-103A(1). Parking for dwelling units in a Multiple Residence District located within the New Cassel Urban Renewal Area shall be provided at the rate of 1/2 parking space per bedroom in the multiple residence building(s), but in no instance shall there be less than one parking space per dwelling unit.

(3) Golden Age Residence District. Within a Golden Age Residence District there shall be provided off-street parking at the rate of 1 1/4 spaces for each one of the dwelling units.

Section 6.

Chapter 70 of the Town Code is hereby amended as follows:

§ 70-195.15. Standards for residential development.

- A. Applications for the maintenance, alteration, or new construction of basements or cellars ("basements") shall be limited to:
- (1) Interior walls along the basement exterior.
 - (2) Interior partitioning for the installation of laundry facilities, boilers or other mechanical equipment, or storage closets containing areas with no horizontal dimension exceeding six feet.
- B. The following features are prohibited in a basement:
- (1) Bedrooms or areas designated as "storage areas" which exceed six feet in any horizontal dimension or which contain separate closet space within.

- (2) Kitchen facilities.
 - (3) Bathrooms with three or more fixtures. No bathroom may:
 - (a) Contain a bath or shower fixture; or
 - (b) Be maintained, altered, or constructed if there is a stairwell running from the exterior of the dwelling to the basement, or an interior stairwell located within five feet of a perimeter wall of a dwelling.
 - (4) Plumbing lines other than those for washing machine, laundry tub and a two-piece bathroom.
- C. The Commissioner of the Building Department may reject an application for a dwelling that contains features that would enable the creation of an accessory apartment ~~on any property that would not legally permit a two-family structure~~ **that is not** in conformance with the ~~applicable zoning~~ **the regulations for accessory apartments as defined in §70-231.**
- D. Stairwells shall not extend from the exterior of a dwelling to either the basement, or the interior living area on a ground or upper floor. No interior stairwell may be located within five feet of a perimeter wall of a dwelling.
- E. No more than one garage may be provided on a residential property. Applications for the construction, maintenance or alteration of a garage may not involve interior partitioning or the installation of kitchen or bathroom facilities.
- F. No more than one electric meter shall be permitted at any dwelling without a valid approval from the Town as a two-family residence.

Section 7.

Chapter 70 of the Town Code is hereby amended as follows:

ARTICLE XXIV, Board of Zoning and Appeals

§ 70-225. Powers and duties,

- A. The Board of Zoning and Appeals, in addition to the powers and duties set forth in the Town Law and as heretofore set forth in this ordinance, may, in a specific case after public notice and hearing and subject to appropriate conditions and safeguards, determine and vary the application of this ordinance and authorize the issuance of permits in harmony with the general purpose and intent as hereinafter provided.
- B. Conditional and special uses.
- (1) In the consideration and determination of applications for conditional uses or special permits, the Board of Zoning and Appeals shall consider the following general standards as applied to the specific application:
 - (a) The purposes of zoning as set forth in the Town Law of the State of New York and uses permitted in the district in which the property is located.
 - (b) Whether the proposed use is of such character, size, location, design and site layout as to

be appropriate to and in harmony with the surrounding properties.

(c) Whether the proposed use will provide a desirable service, facility or convenience to the area or otherwise contribute to the proper growth and development of the community and to its general welfare.

(d) Whether the proposed use will be hazardous, conflicting or incongruous to the immediate neighborhood by reason of excessive traffic, assembly of persons or vehicles, proximity to travel routes or congregations of children or pedestrians.

(e) Whether the proposed use will be of such nature as to be objectionable to nearby residential dwellings by reason of noise, lights, vibration or other factors of impact.

(f) Whether the proposed use will be a harmonious use in the district in which it is to be situated and not hinder or discourage the appropriate use and development of adjacent uses or impair the value thereof.

(g) In addition to the foregoing, the location and size of a proposed use in a business or industrial district, the nature and intensity of the operations proposed, the site layout and its relation to access streets shall be considered by the Board having jurisdiction of the application to determine whether the vehicular traffic resulting from such use will be more hazardous than the normal traffic of the district, taking into account such factors as street intersection, traffic flow, sight distances and pedestrian traffic.

(2) If the Board of Zoning and Appeals shall determine that the conditional uses provided in this ordinance or a proposed special use will conform to the general character of the neighborhood to which the proposed use will apply and that the public health, morals, safety and general welfare of such neighborhood will be secure by the granting of such use, subject to the safeguards imposed by the Board, then the Board of Zoning and Appeals shall authorize the issuance of a permit pursuant to § 70-225 of this Article. Such permits may be granted for a temporary period or permanently, as determined by the Board, and, if granted for a temporary period, application for extension of same will be subject to a public hearing as required in the original application.

(3) Before an application for a conditional or special use may be heard by the Board of Zoning and Appeals, a complete and accurate list of the names and addresses of the owners of all the lands within a radius of ~~200~~ 300 feet of the property affected by such application as appears on the latest completed assessment roll of the County of Nassau shall be submitted simultaneously with the application. The applicant shall send, by registered or certified mail, to each owner shown on said list, not less than 10 nor more than 20 days before the date set for a hearing upon this application, a notice addressed to such owners generally, signed by the applicant, identifying the property affected thereby and setting forth the use requested and the date, hour and place fixed by the Board of Zoning and Appeals for the hearing thereon. Before such case may be heard by the Board of Zoning and Appeals, the applicant must file with the Clerk of the Board, not later than five days prior to the hearing date, an affidavit of the mailing of such notices as herein provided, said affidavit to be made on forms to be provided by the Board of Zoning and Appeals. This provision shall likewise apply to any application for the extension of a temporary conditional or special use.

(4) If the Board of Zoning and Appeals finds that in an application the conditional use provided in this ordinance or special use proposed and requested in said application will not conform to the general character of the neighborhood to which the proposed use will apply and

that the public health, morals, safety and general welfare of such neighborhood will not be secured by granting such conditional use, then the Board of Zoning and Appeals shall deny such application, anything in this ordinance to the contrary notwithstanding.

(5) If, upon an application for extension of a conditional or special use, the Board finds that the applicant has violated the conditions imposed in the granting of same or if the Board finds that because of a change in the general character of the neighborhood the public health, safety, morals and general welfare will be adversely affected by the extension of such conditional or special use, then the Board of Zoning and Appeals may deny an application for extension of such conditional or special use, anything in this ordinance to the contrary notwithstanding.

(6) Mother-daughter residences.

~~(a) Upon an application for a mother-daughter residence as defined in § 70-231 of this chapter, § 70-225B(3) shall not apply; however, the applicant shall file with the Board the written consents received from, or proof of written notice given to, all owners of property adjoining the property affected by the application.~~

(a) ~~(b)~~ Any mother-daughter residence legally in existence with a currently valid permit on **August 1, 2008** ~~April 1, 1997~~, shall be considered to be a legal nonconforming use with respect to any structural improvement in existence on **August 1, 2008** ~~April 1, 1997~~. Any subsequent structural improvement shall conform to the conditions of a ~~mother-daughter residence~~ **accessory apartment as defined in** § 70-231.

(b) ~~(c)~~ The fee owner of any residence which ceases to be a mother-daughter residence under the conditions listed in § 70-231 shall remove all cooking facilities from the apartment within 90 days of the change. As a condition of granting any application for a conditional use of a mother-daughter residence, the Board of Zoning and Appeals shall require the recording of a covenant to remove cooking facilities as aforesaid.

(7) Changes to uses requiring conditional use permit; noncompliance. [Added 12-16-1997 by L.L. No. 25-1997]

(a) Prior to making any changes to the kitchen of an establishment operating under a conditional use permit, either by the addition of equipment not on the approval plan, or through an increase in the size of existing equipment, or in the size of the square footage of the kitchen, the holder of the conditional use permit must apply to the Board of Zoning Appeals for a review of the conditional use permit in order to ascertain whether the changes necessitate additional conditions.

(b) The conversion of a restaurant to a fast-food restaurant requires application to the Board of Zoning Appeals for a new conditional use permit.

(c) The addition of another tenant or food use within the premises containing a restaurant or fast-food restaurant requires a new application and conditional use permit for each additional tenant or food use and compliance with the parking requirements of § 70-103A(1) of the Town Code.

(d) Failure to comply with the conditions imposed in the decision of the Board of Zoning Appeals may result in a revocation of the conditional use permit. In the event that the conditional use permit is revoked, a new conditional use permit application must be made and the appropriate fees paid.

C. Authorize the issuance of temporary and conditional permits for a period not to exceed two years for structures, buildings and uses in undeveloped sections of the Town, as determined by the Board, in contravention of the requirements of this ordinance.

D. Determine and establish the true location of use district boundaries in any disputed case.

E. Permit a use authorized on a portion of a lot in a lower restricted district to extend to the entire lot, but not more than 50 feet beyond the boundary line of the higher restricted district in a case where a use district boundary line divides a lot in a single ownership at the effective date of this ordinance.

F. Determine whether or not any trade, industry, purpose or use otherwise permitted by this ordinance would violate Article XXII, § 70-203A, and if so, to prohibit such trade, industry or use.

G. Vary the application of the provisions of this ordinance and establish appropriate requirements for irregular lots or lots less than the required area in any district existing at the effective date of this ordinance.

H. Vary the application of the provisions of this ordinance and modify the requirements thereof in cases of exceptional topography under such conditions as will safeguard the neighborhood.

I. Vary any provision of this ordinance in cases of practical difficulty or unnecessary hardship, provided public health, safety and general welfare are secured.

J. In addition to the power and duties of the Board as hereinabove set forth, the Board of Zoning and Appeals shall also act in an advisory capacity to the Town Board in reference to changes of zone, and shall study the application of this ordinance, recommending to the Town Board from time to time such changes in the ordinance and in the boundaries of the various districts as it shall deem advisable to further promote the health, safety, morals and/or general welfare of the community.

K. The concurring vote of a majority of the members of the Board shall be necessary for a decision.

L. Wherever in this ordinance reference is made to the Planning Board or Board of Appeals, said reference shall for the purpose of the ordinance be deemed to refer to the Board of Zoning and Appeals as established by the Town Board under date of May 1, 1952.

M. Review a decision of the Building Commissioner to deny a request for a tree removal permit. In reviewing such decision, the Board of Zoning and Appeals shall be guided by the

criteria established in § 2-9T(4). [Added 8-21-1990 by L.L. No. 10-1990]

N. Each member of the Board of Appeals and of the Town Board shall complete four hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this subsection. Such training shall be approved by the Commissioner of Planning, as an authorized representative of the Town Board. Training may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, educational or other similar entity. Training may be provided in a variety of formats, including, but not limited to, electronic media, video, distance learning and traditional classroom training. [Added 12-11-2007 by L.L. No. 14-2007]

- (1) With respect to members of the Board of Zoning Appeals, in order to be eligible for reappointment to such board, such member shall have completed the training required by the Town pursuant to this subsection.
- (2) Board members shall provide adequate proof of such training to the Commissioner of Planning upon completion of same.
- (3) The training required by this subsection may be waived or modified by resolution of the Town Board when, in the judgment of the Town Board, it is in the best interest of the Town to do so.
- (4) No decision of the Board of Zoning Appeals or of the Town Board shall be voided or declared invalid because of a failure to comply with this subsection.
- (5) The training requirements imposed by this subsection shall become effective for the calendar year 2008, as the Town Board deems it in the best interests of the Town to impose such requirement at such time.

Section 8.

Chapter 70 of the Town Code is hereby amended as follows:

ARTICLE XXV, Word Usage and Definitions

§ 70-231. Definitions.

For the purpose of this ordinance, the terms used herein are defined as follows:

ABATTOIR -- A slaughterhouse for the slaughtering of livestock other than poultry.

ACCESSORY APARTMENT ~~-- A separate space within a one-family dwelling, or a structure on property on which exists a one-family dwelling, which is wholly or partly used or arranged, designed or intended to be occupied or used for living or sleeping by one or more human occupants. -- A~~ **separate space within a one-family dwelling, authorized by the Board of Zoning Appeals**

conforming to the following criteria:

- (1) The apartment is no larger than 900 gross square feet;
- (2) The cooking facilities in the apartment do not exceed 100 square feet;
- (3) The fee owner resides within the premises;
- (4) There shall be no more than three occupants in the accessory apartment;
- (5) The premises do not have a separate entrance for the exclusive use of the apartment;
- (6) There is no exterior stairway to the second floor of the building;
- (7) The premises have only one set of stairs leading from any one floor to any other floor;
- (8) The premises are served by only one meter for each utility supplied; and
- (9) There is no exterior deck attached to any floor above ground level.
- (10) Any such apartment offered for rent must have a valid Rental Occupancy Permit issued pursuant to Chapter 2, Article VI of this Code..

B. If any of the conditions listed above cease to exist, then the Rental Occupancy Permit shall expire immediately and the secondary cooking facilities shall be removed in accordance with § 70-225B(7).

ACCESSORY BUILDING OR USE -- A subordinate building or use customarily incidental to and located on the same lot occupied by the main building or use.

AFFORDABLE SENIOR CITIZEN FACILITY [Added 6-8-1999 by L.L. No. 7-1999] -- A residential dwelling unit made available for sale or rent such that the shelter portion of the housing cost is below the market price of such units, to be determined as follows:

A. Units for rent. Rent shall not exceed 80% of the county median income, as determined by the United States Department of Housing and Urban Development (HUD), times 30%.

B. Units for sale. Sales price shall not exceed 45% of the average sales price of single-family homes in the county for the prior 12 months, and be for sale to households whose income is 80% of the county median income as determined by HUD.

AGRICULTURE -- The cultivation of the soil for food products or other useful or valuable growths, crops or products of the field or garden, tillage or husbandry, but shall not include dairying, raising of livestock, fowls or birds where the same is carried on as a gainful operation.

ALTERATION -- As applied to a building or structure, the change or rearrangement of the structural parts or any enlargement, whether by extending on any side or by increasing in height, or the moving from one location to another. It does not include ordinary repairs to buildings or structures.

AMUSEMENT ARCADE -- Any premises where three or more amusement devices are available for operation. [Added 9-13-1983 by L.L. No. 6-1983]

AMUSEMENT DEVICE -- Any coin or token-operated machine, apparatus or contrivance which is used or which may be used as a game of skill or amusement wherein or whereby the

player initiates, employs or directs any force or action to, or generated by, the machine, including, but not limited to billiard tables; casino-type games; computerized games; electronic bowling; electronic shuffleboard; pinball machines; shooting galleries; and skill boards.

"Amusement devices," for the purpose of this local law, shall not include bowling alleys and duckpin bowling alleys. [Added 9-13-1983 by L.L. No. 6-1983]

ATTIC -- The space between the ceiling joists of the top story and the roof rafters. An attic shall not be used or occupied as living or sleeping quarters. There shall be no fixed stair to any new attic space nor operable windows. Attics shall not have finished floors or heating systems. Attics over one-story extensions shall count as additional gross floor area if the height from the joist to the underside of the ridge is greater than five feet. Horizontal access to attics shall be limited to nine square feet. [Added 8-22-2006 by L.L. No. 13-2006; amended 12-11-2007 by L.L. No.12-2007]

BAR AND GRILL -- Any business use in which the primary service offered is the sale of alcoholic beverages for consumption on the premises, regardless of whether food is also served and entertainment of any type is offered. [Added 2-1-1977 by L.L. No. 2-1977]

BASEMENT -- That space of a building that is partly below grade which has more than half of its height, measured from floor to ceiling, above the average established finished grade of the ground adjoining the building. [Added 2-19-1991 by L.L. No. 5-1991; amended 12-14-1999 by L.L. No. 14-1999]

BELOW-GRADE PARKING STRUCTURE -- An accessory use in which the final paved surface is located more than 24 inches below the preexisting grade of a building site, and that provides for the parking of vehicles, including drive aisles, and which may include loading areas. [Added 10-3-2006 by L.L. No. 14-2006]

BILLBOARD or POSTER PANEL -- A sign erected and maintained by an outdoor advertiser.

BLOCKFRONT -- The street and the space surrounding it, including the buildings and open space fronting on both sides of the streets. [Added 1-3-2006 by L.L. No. 1-2006]

BUILDING -- A combination of materials other than a structure to form a construction that is safe and stable and adapted to permanent or continuous occupancy for public, institutional, residence, business or storage purposes; the term "building" shall be construed as if followed by the words "or part thereof."

BUILDING DEPARTMENT -- The Building Department of the Town of North Hempstead.

BUILDING HEIGHT -- The vertical distance measured from the average level of the preexisting grade at the perimeter of the building to the highest point of the roof. [Amended 2-26-1985 by L.L. No. 4-1985; 12-14-1999 by L.L. No. 14-1999; 6-25-2002 by L.L. No. 9-2002]

BUILDING OFFICIAL -- The officer or other person specifically charged by the Town Board with the administration and enforcement of this ordinance, or his duly authorized representative.

CELLAR -- That portion of a building with half or more of its floor-to-ceiling height below the

average level of the adjoining ground. A "cellar" shall not be used or occupied as living or sleeping quarters.

CHILD-CARE FACILITY -- Any program or facility providing care for children for more than three hours but less than 24 hours per day per child on a regular basis away from the child's residence, in which care is provided by someone other than the parent, step-parent, guardian, or other relative within the third degree of consanguinity of the parent or step-parent. [Added 10-2-2001 by L.L. No. 8-2001]

- A. This definition shall apply whether or not care is given for compensation.
- B. This definition shall include any facility that provides child-care services as defined in § 390 of the New York State Social Services Law.
- C. This definition shall not include child-care facilities located in private dwellings and multiple-dwelling units licensed and operated in accordance with the regulations set forth by the New York State Office of Children and Family Services.
- D. Medical care or delinquency correction may not be the principal use of the facility.
- E. Child-care facilities shall be licensed by and operated in accordance with the regulations set forth by the New York State Office of Children and Family Services.

COMMERCIAL PARKING LOT -- Any lot or premises, other than one owned or maintained by the municipality, used for parking automobiles or other motor vehicles by the public upon the payment of a fee, whether or not such use is an accessory use.

CONVENIENCE STORE -- A retail sales area that offers for sale prepackaged food or beverages for off-site consumption. Such retail sales area shall not exceed 750 square feet, including the cashier area. A convenience store shall co-locate or coexist only with a gasoline service station or automobile service station, and only as approved by the Town Board. [Added 11-15-2005 by L.L. No. 13-2005]

CORNER LOT -- A lot situated at the intersection or junction of two or more streets.

COURT -- A required open and unoccupied space on the same lot and enclosed on at least three sides by walls of a building.

DEPARTMENT OF HEALTH -- The Department of Health of the County of Nassau and any other Health Board or department established pursuant to the laws of the State of New York and entrusted with the regulations, control and/or supervision of matters pertaining to and affecting the public health in the Town of North Hempstead.

DEPTH OF A LOT -- The mean distance from the street line of the lot to its opposite rear line, measured along the side lines of the lot.

DISPLAY SURFACE -- The total number of square feet of sign space on one side of a sign, exclusive of moldings.

DRIVE-THROUGH FACILITY -- A business, establishment, building or other structure intended, in whole or in part, to accommodate in-vehicle customer service. Such facilities shall also include, but not be limited to, establishments such as drive-through oil change and/or car

wash operations which utilize a drive-through lane or lanes, but perform their services while customers wait outside their motor vehicles, and establishments that provide in-vehicle customer service via a freestanding box. [Added 1-24-2006 by L.L. No. 2-2006]

DWELLING -- A building containing not more than two dwelling units occupied principally for residential uses. [Added 2-19-1991 by L.L. No. 5-1991]

DWELLING UNIT -- A portion of a **row dwelling single or two family house or multiple residence building housing to be occupied by not no** more than one family.

EAVE HEIGHT -- The top of the uppermost wall plate, as measured from the average level of the preexisting grade at the perimeter of the building. [Added 6-25-2002 by L.L. No. 9-2002]

ELEEMOSYNARY -- A not-for-profit organization, public or private, primarily engaged in charitable activities or primarily supported by charitable contributions. [Added 3-12-2002 by L.L. No. 2-2002]

ERECTED -- Includes constructed, reconstructed, altered, placed or moved.

EXISTING BUILDING -- A building erected prior to the effective date of this ordinance.

FAMILY -- One individual or a collective group of individuals either: [Amended 10-15-1968; 1-28-1997 by L.L. No. 2-1997EN]

- A. Related to each other by blood, marriage or adoption who live together in the same dwelling unit, cook together and function as a single, stable housekeeping unit with common access to all rooms and facilities; or
- B. Not related by blood, marriage or adoption but who together constitute the functional equivalent of a natural family, all living together in the same dwelling unit, cooking together and generally functioning as a single, stable housekeeping unit, all with common access to all rooms and facilities, with no member or members of such group subletting, subleasing or otherwise controlling any part of the dwelling separately from the others.

FOOD SERVICE -- See definition of "restaurant" contained in this section. [Added 3-25-1986 by L.L. No. 3-1986]

FRONT OF BUILDING -- On an interior lot, the exterior wall facing the street. The "front of a building" on a corner lot is the exterior wall where the main entrance is established.

FRONT STREET -- The street upon which a lot abuts. If a lot abuts upon more than one street, it means the street upon which the lot has the most frontage in an application for a building permit.

FRONT YARD -- A yard across the full width of the lot extending from the front line of the building to the front line of the lot measured between the side property lines.

GASOLINE SERVICE STATION or AUTOMOBILE SERVICE STATION (used

synonymously in this chapter) -- The use of premises for the dispensing of motor fuels, lubricants and other materials used in the operation of motor or other vehicles and/or where minor repairs to motor or other vehicles are made. [Amended 12-31-1974 by L.L. No. 22-1974; 2-1-1977 by L.L. No. 2-1977]

GASOLINE SERVICE STATION/CONVENIENCE STORE -- The co-location of a gasoline service station and a convenience store. No use other than a convenience store may coexist or co-locate with a gasoline service station. A gasoline service station/convenience store contains a convenience store that offers for sale prepackaged food or beverages for off-site consumption, in conjunction with the sale of automotive fuel. Other prepackaged goods, household items, automotive fluids and wiper blades, automotive cleaning supplies, oils, waxes and windshield fluids, newspapers, and magazines may also be sold at a gasoline service station/convenience store. [Added 11-15-2005 by L.L. No. 13-2005]

GROSS FLOOR AREA (NONRESIDENTIAL) -- The sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions of each floor are to be measured from the exterior faces of the walls of each such floor, including roofed porches having more than one wall. The "gross floor area" of accessory buildings shall include the floor area of accessory buildings on the same lot, measured the same way. In computing the "gross floor area," there shall be excluded any floor area of a story whose ceiling is less than four feet above grade at the nearest building line and attic space having a headroom of less than seven feet, provided that those areas are non-habitable and are used for storage or mechanical equipment. [Added 12-17-1985 by L.L. No. 13-1985; amended 3-25-1986 by L.L. No. 3-1986; 3-11-2003 by L.L. No. 1-2003]

GROSS FLOOR AREA (RESIDENTIAL) -- The sum of the gross horizontal area of all floors or stories of a dwelling as measured to the outside surfaces of structural walls as well as attached garages, enclosed porches and roofed porches having more than 50% of the perimeter enclosed or screened and basements with ceiling heights in excess of seven feet. Attics and cellars shall be excluded from the gross floor area. The gross floor area of detached garages greater than 300 square feet shall be included in their entirety. Gross floor area in dwellings for areas exceeding 10 feet in height shall be counted at 1.5 times the actual floor area except in garages. [Added 2-19-1991 by L.L. No. 5-1991; amended 12-14-1999 by L.L. No. 14-1999; 3-11-2003 by L.L. No. 1-2003; 8-22-2006 by L.L. No. 13-2006; 12-11-2007 by L.L. No. 12-2007]

GROUND OR FIRST STORY -- The lower story entirely above the average level of the ground surrounding a building.

GROUND SIGN and POLE SIGN -- A "ground sign" is one securely fastened to the ground by means of two or more supporting posts. A "pole sign" is one attached to the upper part of a single pole securely fastened to the ground.

GROUP GARAGE -- A building one story in height divided into separate units or with a common means of access, used for the storage of noncommercial automobiles, but not used for servicing or making repairs to automobiles.

HABITABLE FLOOR AREA IN A DWELLING -- Rooms occupiable by one or more persons for living, eating and/or sleeping, but not including garages, attics, open porches or terraces, or

rooms in cellars. On the first floor, it shall be construed to mean all finished floor area having a clear headroom of 7 1/2 feet or over, including stairwells; on all floors above the first, it shall include all finished or unfinished floor area having a clear headroom of 7 1/2 feet or over for a minimum horizontal measurement of six feet, including all floor area with a height of 5 1/2 feet or greater. [Amended 12-14-1999 by L.L. No. 14-1999; 3-11-2003 by L.L. No. 1-2003; 12-11-2007 by L.L. No. 12-2007]

HALF STORY -- A half story is that part of any building above a story and having at least two opposite exterior walls meeting a sloping roof at a level no higher above the floor than 1/2 the floor to ceiling height of the story below. [Added 12-14-1999 by L.L. No. 14-1999]

HOTEL -- A commercial building primarily for transient guests, consisting of three or more stories and having only one dining room and one kitchen for the serving of food to be consumed primarily in said dining room.

INDUSTRIAL PARK -- A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. [Added 12-17-1985 by L.L. No. 13-1985]

INDUSTRY -- The manufacturing, fabricating, finishing, assembly, treating or processing of articles to be sold at wholesale or retail on a scale exceeding a maximum of five horsepower and requiring more than five operators.

INTERIOR LOT -- A lot other than a corner lot.

JUNKYARD -- The use of any space, whether open or enclosed, for the collecting, handling, sale, discarding, wrecking, salvage, storage, keeping or abandonment of worn, salvaged, dismantled, used or discarded wastepaper, junk, rags, scrap, metals, materials, articles, equipment, machinery, vehicles inoperative or not intended to be repaired or any parts thereof.

LANDBANKED PARKING AREA -- A designated area or areas on a plot specifically allocated and designed for parking but which is not immediately developed as such. The location of landbanked parking areas shall be in conformance with all restrictions relating to required parking and to any other restrictions specified within this chapter or by any decision of a board or commission having jurisdiction over a specific application. [Added 6-8-1999 by L.L. No. 7-1999]

LODGE -- A building used by fraternal organizations.

LOT -- Includes plot, tract, premises or parcel of land with or without buildings or structures located thereon, as surveyed and apportioned for sale or other purpose.

LOT AREA -- The area of a lot measured within the boundaries thereof.

LOT COVERAGE -- The area of the maximum horizontal cross section of the buildings on a lot, excluding cornices, eaves, gutters or chimneys projecting not more than 24 inches, steps, one-story open porches, bay windows extending not more than one story and projecting not more

than five feet, balconies and terraces. [Added 12-14-1999 by L.L. No. 14-1999]

MAIN BUILDING -- The building which houses the principal purpose for the utilization of the lot, as permitted under this ordinance.

MAINTAIN EXISTING -- As used in the Building Department fee schedule established pursuant to § 2-28C, an application for a building permit for construction, changes, alterations, improvements or modifications which had been previously completed without the required permit(s) and inspections. [Added 5-29-2007 by L.L. No. 4-2007]

MIXED USE -- The combination of retail or office use, accessible to the public, with residential use in the same structure. [Added 9-30-2003 by L.L. No. 12-2003]

MOTHER-DAUGHTER RESIDENCE:

A. A one-family home or residence altered to include an apartment for which a conditional use permit ~~shall have been duly~~ **was** approved by the Board of Zoning and Appeals **pursuant to § 70-225B(6) prior to August 1, 2008** and which complies with the following conditions:

- (1) The apartment is no larger than 700 gross square feet;
- (2) The cooking facilities in the apartment do not exceed 60 square feet;
- (3) The fee owner resides within the premises;
- (4) The apartment resident is either the parent or the child of the fee owner;
- (5) The premises do not have a separate entrance for the exclusive use of the apartment;
- (6) There is no exterior stairway to the second floor of the building;
- (7) The premises have only one set of stairs leading from any one floor to any other floor;
- (8) The premises are served by only one meter for each utility supplied; and
- (9) There is no exterior deck attached to any floor above ground level.

If any of the conditions listed above cease to exist, then the premises shall cease to be a mother-daughter residence, the conditional use permit shall expire immediately and the cooking facilities shall be removed **in accordance with § 70-225B(6)**.

MOTOR VEHICLE REPAIR SHOP -- A use or building or portion of a building in which mechanical, electrical or other similar power is used in the repair of motor vehicles or in which commercial motor vehicle repair work is done.

MULTIPLE-FAMILY DWELLING -- A residence building accommodating three or more families living independently of each other and allowed to do their own cooking on the premises.

NEW CASSEL URBAN RENEWAL AREA -- The area identified by the Town Board of the Town of North Hempstead for the undertaking of urban renewal activities pursuant to the New Cassel Urban Renewal Plan. [Added 9-30-2003 by L.L. No. 12-2003]

NEW CASSEL URBAN RENEWAL OVERLAY DISTRICT or OVERLAY DISTRICT -- The overlay district established pursuant to and governed by Article XXB of this chapter. [Added 12-12-2006 by L.L. No. 16-2006]

NEW CASSEL URBAN RENEWAL PLAN -- The urban renewal plan, as same may be amended from time to time, formulated and considered in accordance with Article 15 of the General Municipal Law, and approved by the Town Board of the Town of North Hempstead at its meeting held on August 12, 2003, pursuant to Resolution No. 280-2003. [Added 9-30-2003 by L.L. No. 12-2003]

NEW CASSEL VISION PLAN -- The document entitled "Seeking a Shared Vision for New Cassel-New Cassel Vision Plan," which was accepted by the Town Board of the Town of North Hempstead pursuant to Resolution No. 98-2003, adopted at its meeting held on March 11, 2003. [Added 12-12-2006 by L.L. No. 16-2006]

NONCONFORMING BUILDING OR USE -- One that does not conform t the regulations of the district in which it is situated.

NONPERMITTED SUBSTANTIAL AMENDMENT -- As used in the Building Department fee schedule established pursuant to § 2-28C, where substantive changes, modifications, alterations or improvements were made to the work contemplated in the approved building permit and/or plans and specifications which accompanied same, and for which substantive changes, modifications, alterations or improvements were performed without the filing of a new building permit application. [Added 5-29-2007 by L.L. No. 4-2007]

NURSERY SCHOOL -- A social and educational program, not located in a private residence, that provides care for three to five year olds, and often follows a school-year schedule. Care is restricted to a maximum of three hours per day per child. [Added 10-2-2001 by L.L. No. 8-2001]

NURSING HOME -- A skilled nursing facility licensed by the State of New York to provide full-time convalescent or chronic health care under medical supervision to individuals of any age who are unable to fully care for themselves, but not including facilities for surgical care or institutions dedicated to the care and treatment of mental illness, alcoholism or narcotics addiction. No nursing home shall contain any uses other than those permitted pursuant to applicable regulations of the State of New York and the nursing home's operating certificate issued pursuant thereto. [Added 6-8-1999 by L.L. No. 7-1999]

OPEN PORCH -- A roofed open structure projecting from the outside wall of a building without a window sash or any other form of enclosure. [Amended 12-14-1999 by L.L. No. 14-1999]

OPEN SPACE -- The area on a lot that is not covered by structures or paving for parking of automobiles and the access to that parking. Open space includes all landscaped area and patios on grade. [Added 12-14-1999 by L.L. No. 14-1999]

PARKING SPACE -- The off-street paved or surfaced area available and usable for the parking of one motor vehicle, having dimensions of not less than 10 feet by 20 feet, exclusive of aisles, driveways, passageways and other necessary space appurtenant thereto and having direct usable access to a street. In satisfying the off-street parking requirements as set forth in § 70-103, for nonmedical office use and industrial use, up to but not exceeding 20% of the off-street parking spaces may have dimensions of not less than nine feet by 18 feet and shall be so designated. With respect to all other uses, all off-street parking spaces must have dimensions of not less than

10 feet by 20 feet. Whenever parking requirements are calculated on the basis of floor area or space, all calculations should be made using the gross floor area, as defined in § 70-231. [Amended 8-12-1980 by L.L. No. 11-1980; 12-17-1985 by L.L. No. 18-1985]

PERSON -- Includes individual, firm, corporation, partnership, association or other agency of voluntary action.

PORTABLE SHED -- A structure of no more than 100 square feet, with a maximum height of 10 feet, not having a firm attachment to the ground, for the storage of garden and recreational equipment. [Added 3-25-1986 by L.L. No. 3-1986]

PREEXISTING GRADE -- The elevation of the land prior to commencement of any alteration, grading or construction at the premises. [Added 3-18-1997 by L.L. No. 6-1997]

PREMISES -- Includes the land and all buildings or structures thereon.

PRIVATE GARAGE -- A detached accessory building or part of the main building used for the storage of not more than two noncommercial automobiles or one commercial vehicle and one noncommercial automobile, owned and used by the occupant of the plot on which the main building is erected and in which no business or service is conducted. Any such commercial vehicle must be kept within the garage at all times and shall not contain any flammable, combustible, explosive, toxic or offensive-smelling material. Such accessory structure shall not exceed 26 feet in width and 24 feet in depth, with garage doors not to exceed eight feet in height. [Amended 7-23-1968; 4-28-1987 by L.L. No. 10-1987]

PROFESSIONAL OFFICE -- An office maintained by a doctor, dentist, lawyer, teacher, artist, architect, engineer, accountant, ophthalmic dispenser or musician in the dwelling in which such person resides, provided that such office does not occupy more than 50% of the habitable floor space on the first floor or more than 25% of the habitable floor space of a one-story dwelling and not more than one assistant or employee is employed by such person, and further provided that there is no alteration or change to the exterior of such dwelling which modifies its residential character or use or the use thereof has no feature which is offensive, annoying or harmful to public health, safety or general welfare by reason of noise, glare, vibration, odor, radiation, dust, fumes or undue traffic.

PUBLIC GARAGE -- A use or building or portion of a building used for the commercial storage, rental and/or minor repair of motor vehicles.

REAR YARD -- A yard across the full width of the lot extending from the rear line of the building to the rear line of the lot measured between the side property lines.

RESIDENCE UNIT -- A portion of a residence building housing not more than two families and separated from another unit by a party wall. Such unit shall be considered a separate building.

RESTAURANT -- A business engaged in the preparation and sale of food and beverages selected from a full menu and consumed on the premises by patrons seated at a table or counter and served by a waiter or waitress. [Added 3-25-1986 by L.L. No. 3-1986; amended 12-16-1997 by L.L. No. 25-1997]

RESTAURANT, FAST-FOOD -- A business enterprise primarily engaged in the sale of ready to consume food and beverages generally served in disposable or prepackaged containers or wrappers and where patrons usually select their orders from a posted menu offering a limited number of specialized items, such as but not limited to hamburgers, chicken, fish and chips, hero sandwiches, pizza, tacos and hot dogs, which are prepared according to standardized procedures for consumption either on or off the premises in a facility where a substantial portion of the sales to the public is by drivein or takeout services. [Added 12-16-1997 by L.L. No. 25-1997]

RETAINING WALLS -- All walls and other structures of any construction which are intended to, or which in fact, retain or support adjoining earth or rock. [Added 5-21-1996 by L.L. No. 8-1996]

ROW DWELLING -- A building consisting of non-communicating one-family dwelling units, each having its own front and rear entrance. Where a row dwelling contains more than two dwelling units, the walls separating dwelling units shall be constructed and have fire-resistant ratings as follows: The wall separating the second and third dwelling units shall be constructed of wire lath and cement plaster having a fire-resistant rating of not less than one hour. The wall separating the fourth and fifth dwelling units shall be of eight-inch masonry construction with a fire-resistance rating of not less than four hours. Similar construction of separating walls shall continue throughout the building, so that for a row dwelling containing the maximum of 16 families, there shall be four separating walls of wire lath and cement plaster and three separating walls of eight-inch masonry. The determination of the location of separating walls as required herein may be made from either the left or right exterior sidewalls of the building.

SANATORIUM -- An institution other than one required to be licensed under the Mental Hygiene Law of the State of New York.

SENIOR ASSISTED-LIVING FACILITY -- A building, portion of a building or group of buildings that provide dwellings in a residential environment where individual cooking facilities are limited to microwave ovens and/or cooktops, with assistance available by way of common meals, housekeeping and personal services. Occupancy is restricted to persons 62 years of age or older or couples one of whose member is 62 years of age or older who may have difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility. [Added 6-8-1999 by L.L. No. 7-1999]

SENIOR CITIZEN FACILITY -- A facility intended to provide for the specialized living and/or daily care giving needs of persons 62 years of age or older, including senior independent-living facilities, senior congregate-housing facilities, senior assisted-living facilities and senior day-care facilities. [Added 6-8-1999 by L.L. No. 7-1999]

SENIOR CONGREGATE-LIVING FACILITY -- A building, portion of a building or group of buildings containing three or more dwelling units where individual cooking facilities are limited to microwave ovens and/or cooktops, specially designed for use and occupancy by the elderly, including a common dining facility and other common amenities and whose occupancy is restricted to persons 62 years of age or older or couples one of whose member is 62 years of age or older. [Added 6-8-1999 by L.L. No. 7-1999]

SENIOR DAY-CARE FACILITY -- A facility with limited operating hours where specialized care-giving and supervision are provided for three or more adults who may have difficulties with one or more essential activities of daily living, such as feeding or mobility, away from their own homes for less than 24 hours per day. [Added 6-8-1999 by L.L. No. 7-1999]

SENIOR INDEPENDENT-LIVING FACILITY -- A building, portion of a building or group of buildings containing dwelling units with full kitchens specially designed for use and occupancy by the elderly which may have common amenities but no common dining and whose occupancy is restricted to persons 62 years of age or older or couples one of whose member is 62 years of age or older. [Added 6-8-1999 by L.L. No. 7-1999]

SENIOR RESIDENCE DISTRICT (R-S) -- A building or group of buildings that contain any combination of two or more residential senior citizen facilities, nursing homes or senior day-care facilities on the same site restricted to persons 62 years of age or older or couples one of whose member is 62 years of age or older, not necessarily regulated under Article 46 of the New York State Public Health Law. [Added 6-8-1999 by L.L. No. 7-1999]

SHOPPING CENTER -- Any two or more contiguous retail stores, restaurants, shops for personal services and other places of business, originally planned and developed as a single unit, with adjoining off-street parking. [Added 8-26-1980 by L.L. No. 13-1980]

SIDE YARD -- A yard between the side of the building and the corresponding side line of the lot and extending from the front lot line to the rear lot line in the case of a single building on the front portion of the lot. In the case of a rear building on the back portion of a lot, the side yard shall be the yard between the side of said rear building and the corresponding side line of the lot and extending from the front face of said rear building to the rear line of the lot.

SIGN -- Includes every kind of billboard, signboard and other shape or device or display arranged, intended, designed or used as an advertisement, announcement or direction, including any text, symbol, marks, letters or figures painted on or incorporated in the composition of the exterior surface of a building or structure.

SINGLE-FAMILY DWELLING -- A building designed for and occupied exclusively as a home or residence for not more than one family.

SKY EXPOSURE PLANE -- A theoretical inclined plane through which no portion of a building other than cornices or eaves projecting not more than 18 inches, gutters projecting not more than eight inches and chimneys may penetrate. It begins at a lot line or other predetermined plane and rises over the zoning lot at a ratio of vertical distance to horizontal distance as set forth in the district regulations. [Added 12-14-1999 by L.L. No. 14-1999]

STORY -- That part of any building between the surface of one floor, except a cellar or basement floor, and the surface of the next highest floor or, if there is no higher floor, then that part of the building between the surface of the highest floor and the ceiling above, except an attic ceiling. [Amended 12-14-1999 by L.L. No. 14-1999]

STREET -- Any public thoroughfare or space more than 20 feet in width which may or may not

have been dedicated or deeded to the public for public use.

STREET FRONTAGE -- The distance between the boundary lines of a lot when measured along any property line abutting a public street.

STREET LINE -- The line dividing a lot from a street.

STRUCTURE -- A combination of materials other than a building to form a construction that is safe and stable, including among others, stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and towers, trestles, piers, wharves, sheds, commercial coal bins, display signs, fences, retaining walls, outdoor fireplaces, pools and pergolas. The term "structure" shall be construed as if followed by the words "or part thereof."

TELEPHONE EXCHANGE -- A building erected or used exclusively as a central station where telephone lines meet and where connections are made between them and where no trucks or materials are stored.

TERRACE -- An open porch without a permanent roof.

TOWN OF NORTH HEMPSTEAD -- Includes all areas of the Town unincorporated as a village on January 1, 1938, and all areas within the Town and within a village incorporated prior to January 1, 1938, which did not have a valid zoning ordinance on January 1, 1938.

TRAFFIC SEPARATOR -- A structure of sufficient height and width to divide traffic flowing in opposite directions.

TRAILER or CAMP CAR -- Any vehicle designed or equipped to be used or used for sleeping, living or eating, and designed to move or be moved from place to place on wheels, and to be propelled by its own power or drawn or propelled by another vehicle.

TRANSFER STATION -- A solid waste management facility, other than a recyclables handling and recovery facility exclusively handling nonputrescible recyclables, that can have a combination of structures, machinery or devices, where solid waste is taken from collection vehicles and placed in other transportation units for movement to another solid waste management facility. For the purposes of this Chapter 70, the definitions of "solid waste" and "solid waste management facility" shall be those which appear at Chapter 46 of this Code.
[Added 7-9-1991 by L.L. No. 10-1991]

TWO-AND-ONE-HALF-STORY BUILDING -- One where the provisions of the definition for "two-story building" are complied with and where the main eaves are below the midheight of the third story.

TWO-FAMILY ATTACHED RESIDENCE BUILDING -- Residence units, as defined by this ordinance, each arranged for two families, separated by an eight-inch masonry fire wall as a party wall.

TWO-FAMILY DETACHED DWELLING -- A dwelling designed for and occupied exclusively as a home or residence for not more than two families.

TWO-STORY BUILDING -- Any building where the area of the second floor is equal to at least 75% of the area of the first floor.

USED -- Includes designed, intended or arranged to be used.

USES -- The listed uses permitted in various districts. The listing of any uses as being permitted uses in any district shall be deemed to mean that such uses and no other shall be permitted in such district unless specifically permitted in this chapter. The listing of any use as being permitted in or as being excluded from a particular district shall be deemed to be an exclusion of such use from any more restricted district unless specifically permitted by this chapter. Each of the hereinafter-named districts shall be deemed to be more restricted than the districts which succeed it and less restricted than the districts which precede it: Residence AAA, Residence AA, Residence A, Residence B, Residence C, Residence D, Multiple Residence, Public Housing Residence, Golden Age Residence, Parking, Transportation, Business AA, Business A, Business B, Planned Industrial Park, Industrial A, Modified Planned Industrial Park, Service Commercial and Industrial B Districts. [Amended 3-27-1979 by L.L. No. 3-1979; 8-12-1980 by L.L. No. 12-1980]

VALET PARKING -- A service providing for attendants to receive, park and deliver the automobiles of occupants, tenants, customers and visitors. [Added 10-3-2006 by L.L. No. 14-2006]

VEHICULAR STANDING SPACE -- A space located within a drive-through lane, having dimensions set forth in § 70-203S, utilized for the temporary stopping or queuing of a vehicle accessing or waiting to access a drive-through facility. [Added 1-24-2006 by L.L. No. 2-2006]

WIDTH OF A LOT -- The mean width measured at right angles to its depth.

YARD -- An open and unoccupied space on the same lot with a building, open and unobstructed from the ground to the sky, except as otherwise provided in this ordinance.

Section 9.

This Local Law shall take effect immediately upon filing with the Secretary of State.

Dated: Manhasset, New York
July 29, 2008

and; be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed, in the

manner required by law, to file a copy of said Local Law with the Secretary of State, and to publish a notice of adoption of said Local Law, which notice shall be in substantially the following form:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on July 29, 2008, at Town Hall, 220 Plandome Road, Manhasset, New York, Local Law No. 7 of 2008 was adopted. The local law amends Chapter 70-231 of the Town Code entitled “Zoning” in order to establish regulations for “Accessory Apartment,” as defined in Section 70-231 of the Town Code, as a Conditional Use in certain residence zones, and would modify the present regulations for “Mother-Daughter Residence”.

Dated: Manhasset, New York
July 29, 2008

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
LESLIE C. GROSS
TOWN CLERK**

Dated: Manhasset, New York
July 29, 2008

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilman Dwyer, Councilman Ferrara, Councilman Pollack, Councilwoman Poons, Councilwoman Seeman, Supervisor Kaiman

Nays: None

cc: Town Attorney Comptroller Planning